UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.7/1998/4
8 January 1998

ORIGINAL: ENGLISH

COMMISSION ON NARCOTIC DRUGS
Forty-first session
Vienna, 11-13 March 1998
Item 4 (c) of the provisional agenda*

IMPLEMENTATION OF THE INTERNATIONAL DRUG CONTROL TREATIES

OTHER MATTERS ARISING FROM THE INTERNATIONAL DRUG CONTROL TREATIES

Note by the Secretariat

INTRODUCTION

1. Recognizing the importance of cooperation among the parties and non-parties to international drug control treaties, the General Assembly, in its resolution 49/168, section II, called upon all States to adopt adequate national laws and regulations, to strengthen national judicial systems and to carry out effective drug control activities in cooperation with other States in accordance with those international instruments.

2. The present note provides information on various publications, as well as a questionnaire, prepared by the United Nations International Drug Control Programme (UNDCP), in relation to the implementation by States of the drug control conventions. Those publications and questionnaire reflect legislative and administrative measures taken by parties and non-parties pursuant to the Single Convention on Narcotic Drugs of 1961[1] that Convention as amended by the 1972 Protocol,[2] the Convention on Psychotropic Substances of 1971,[3] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[4] as well as some aspects of their implementation experience.

I. NATIONAL LAWS AND REGULATIONS AND THE CUMULATIVE INDEX

3. The Parties to the international drug control treaties are required to submit to the Secretary-General texts of laws and regulations promulgated to give effect to the treaties. Such laws and regulations received from

*E/CN.7/1998/1.

V.97-29357 (E)

parties, as well as non-parties, to the treaties are published by UNDCP in the E/NL. legislative series and are widely distributed in order to facilitate mutual disclosure of legislation among States.

4. Legislation published in 1997 includes comprehensive laws dealing with all aspects of drug control, including the organization of licit drug-related activities, the prohibition and repression of illicit cultivation, production and use of and trafficking in narcotic drugs and psychotropic substances, and the treatment and rehabilitation of drug abusers; laws for the prevention and repression of money-laundering; regulations on the use, sale, import and export of precursors; amendments to penal codes providing for more severe penalties for drug trafficking; regulations amending national lists of controlled substances; acts on mutual legal assistance in criminal matters, including assistance in tracing and confiscating drug-trafficking proceeds; laws concerning the treatment and rehabilitation of drug offenders, and alternatives to conviction and punishment for minor offenders.

5. As a supplement to the E/NL. legislative series, UNDCP prepares yearly a trilingual index of the laws and regulations published in the course of each year. Every four years, the index is published as a cumulative index. The index is designed to make the information included in the legislative series readily accessible for parliamentary and general research purposes. It serves as a comprehensive reference to the various aspects of drug control legislation and as a practical tool for use at the national and international levels.

II. COMPETENT NATIONAL AUTHORITIES UNDER THE INTERNATIONAL DRUG CONTROL TREATIES

6. The fulfilment of some of the obligations of States under the international drug control treaties requires international cooperation between designated competent national authorities. In order to facilitate such cooperation, based on information provided by Governments, UNDCP publishes on an annual basis a directory of competent national authorities under the international drug control treaties. The directory contains the names, addresses, telephone, telex and facsimile numbers and office hours of competent national authorities that are designated to receive requests for information or assistance under the provisions of the treaties.

7. Part I of the directory lists competent national authorities empowered to issue certificates and authorizations for the import and export of narcotic drugs and psychotropic substances in accordance with the provisions of article 18 of the 1961 Convention and article 16 of the 1971 Convention. Its contents are based on data provided to the Secretary-General in the annual reports on the working of the international drug control treaties submitted by States, both parties and non-parties to the international drug control treaties. Part II lists competent national authorities responsible for regulating or enforcing national controls over precursors and essential chemicals, in accordance with article 12 of the 1988 Convention. This listing is issued pursuant to Economic and Social Council resolution 1992/29. Its contents are based on data provided to the International Narcotics Control Board by Governments. Part III lists competent national authorities empowered to transmit or execute requests for mutual legal assistance or to receive and respond to information about, and appropriate action in relation to, vessels suspected of being involved in illicit traffic by sea, in accordance with the provisions of articles 7 and 17 of the 1988 Convention, respectively. Its contents are based on data provided by Governments to the Secretary-General, as required under the 1988 Convention, or in response to notes verbales transmitted by the Secretary-General to all States requesting full contact particulars of competent national authorities.

8. States that have not done so are requested to communicate information on their competent national authorities to the Secretary-General through the appropriate channels. Those that have already communicated information on their national authorities are requested to communicate any changes in that information to the Secretary-General through the same channels.

III. IMPLEMENTATION OF ARTICLE 5, PARAGRAPH 4, AND ARTICLES 6 AND 7 OF THE 1988 CONVENTION

9. In response to an increasing number of enquiries addressed to UNDCP concerning three articles of the 1988 Convention, since 1995 the Programme has been sending a special questionnaire to States on the implementation of article 5, paragraph 4, concerning requests for confiscation of proceeds, property, instrumentalities or any other objects used in or intended for use in any manner in offences established in accordance with article 3, paragraph 1, of the Convention; the implementation of article 6, concerning extradition for drug-related offences; and the implementation of article 7, concerning mutual legal assistance in investigations, prosecutions and judicial proceedings related to drug offences. The present section contains an analysis of the responses to the questionnaires sent in 1995 and 1996. The responses to the questionnaires for 1997 are expected to be received during the first half of 1998.

10. Of the 192 States to which the questionnaires were sent, in 1995 64 States returned their completed questionnaires, while in 1996 only 55 States returned their questionnaires.

A. Article 5, paragraph 4: request for confiscation or related investigations

11. In 1995, eight States reported having made or received requests for confiscation, while in 1996 that number dropped to six. The requests ranged from the confiscation of narcotic drugs and psychotropic substances to the confiscation of money derived from illicit drug trafficking. One State reported having received funds following a request for the confiscation of proceeds of drug trafficking.

B. Article 6: request for extradition

12. In 1995, nine States made or received requests for extradition pursuant to the provisions of article 6 of the 1988 Convention, while in 1996, that figure increased to 35. Some States reported, however, that they could not furnish statistics for extradition for drug-related offences as their legal systems made no such distinctions.

C. Article 7: request for mutual legal assistance

13. In 1995, of the three areas for which data were requested, mutual legal assistance was by far the most frequently requested. Nineteen States reported having made and/or received a considerable number of requests for mutual legal assistance. Some reported having received and/or made requests for tracing property derived from drug trafficking, locating witnesses, taking evidence and, in some instances, providing evidence before courts of requesting States, while others reported making or receiving requests for service of judicial documents. One State party to the 1988 Convention reported that in four instances the Convention had been used as the basis for mutual legal assistance in the absence of treaties on mutual legal assistance in criminal matters. By contrast, in 1996, only nine States reported having made or received requests for mutual legal assistance.

Notes

[1]United Nations, *Treaty Series*, vol. 520, No. 7515.

[2]Ibid., vol. 976, No. 14152.

[3]Ibid., vol. 1019, No. 14956.

[4]*Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988,* vol. I (United Nations publication, Sales No. E.94.XI.5).